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Attorney for Plaintiff and proposed attorney for Class of Injured Property Owners

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MICHAEL HARKEY
Plaintiff and Proposed Lead Class
Plaintiff for All Nevada Property
Owners Similarly Situated,
who were deprived of their
right to petition the judiciary
for redress of grievances by
the use of fraudulent recorded
documents by the MERS®-LPS
RACKETEERING ENTERPRISE
described herein,

Case No. 2:14-cv-00177-RFB-GWF

vs.

US BANK, N.A., as Trustee for
the CSMC MORTGAGE-BACKED TRUST 2007-6
TRUST 2007-6, a national banking association;
CSMC MORTGAGE-BACKED TRUST 2007-6,
a Trust purportedly declared under the laws of the State of New York;
CREDIT SUISSE FIRST BOSTON
MORTGAGE SECURITIES CORPORATION,

HON. RICHARD F. BOULWARE

a Delaware corporation;
DLJ MORTGAGE CAPITAL, INC.,

SECOND AMENDED COMPLAINT

a Delaware corporation;
SELECT PORTFOLIO SERVICING, INC., a Utah corporation;
CREDIT SUISSE, AG, a banking corporation organized
under the laws of Switzerland;

JURY TRIAL DEMANDED

WELLS FARGO BANK, N.A., a national banking association;
MERSCORP HOLDINGS, INC., a Delaware corporation;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
a Delaware corporation;
OLD REPUBLIC TITLE COMPANY OF NEVADA,
a Nevada corporation;

NANCY BRÖDY, as an employee or agent of
OLD REPUBLIC TITLE COMPANY OF NEVADA,
BLACK KNIGHT FINANCIAL SERVICES, LLC, a Delaware limited liability company,
formerly known as LENDER PROCESSING SERVICES, INC., a Delaware corporation;
FIDELITY NATIONAL TITLE COMPANY, a California corporation;
FIDELITY NATIONAL INFORMATION SERVICES, a Georgia corporation;
LSI TITLE AGENCY, INC., a purported corporation organized
under the laws of an unknown state;

1 FIDELITY NATIONAL FINANCIAL, INC., a Delaware corporation;
 BILL KOCH, individually and as an employee of
 2 SELECT PORTFOLIO SERVICING, INC.;
 KIMBERLY CLARK, as an employee of
 3 SELECT PORTFOLIO SERVICING, INC.;
 PATRICK PITTMAN, as an employee of
 4 SELECT PORTFOLIO SERVICING, INC.;
 JULEE METERS, as an employee of
 5 SELECT PORTFOLIO SERVICING, INC.;
 JESSE BEWLEY, as an employee of
 6 LENDER PROCESSING SERVICES, INC., now known
 as BLACK KNIGHT FINANCIAL SERVICES, LLC;
 JOSEPH NOEL, as an employee of
 7 LENDER PROCESSING SERVICES, INC., now known
 as BLACK KNIGHT FINANCIAL SERVICES, LLC;
 CHRISTINA ALLEN, now known as CHRISTINA SCHATWING,
 8 as an employee of LENDER PROCESSING SERVICES, INC.,
 now known as BLACK KNIGHT FINANCIAL SERVICES, LLC;
 9 SHOUA MOUA, as an employee of LENDER PROCESSING SERVICES,
 INC., now known as BLACK KNIGHT FINANCIAL SERVICES, LLC;
 10 QUALITY LOAN SERVICE CORPORATION, a California corporation;
 KEVIN R. McCARTHY, individually and as Director of
 11 QUALITY LOAN SERVICE CORPORATION;
 VANESSA GONZALES, as an employee of
 12 QUALITY LOAN SERVICE CORPORATION;
 MICHELLE NGUYEN, as an employee of
 13 QUALITY LOAN SERVICE CORPORATION;
 COOPER CASTLE, LLP, a Nevada limited liability partnership;
 14 SAFEGUARD PROPERTIES, LLC, a Delaware limited liability company;
 ADAM FENN, individually;
 15 EARL BEUTLER, individually and as Trustee of the
 EARL AND EVE BEUTLER FAMILY TRUST;
 16 EVE BEUTLER, individually and as Trustee of the
 EARL AND EVE BEUTLER FAMILY TRUST;
 17 EARL AND EVE BEUTLER FAMILY TRUST;
 BRYCE D. BEUTLER;
 18 PATRICK PITTMAN, as an employee or agent of
 SELECT PORTFOLIO SERVICING, INC.;
 19 JULEE METERS, as an employee or agent of
 SELECT PORTFOLIO SERVICING, INC.; DOES I-XX and
 20 ROE CORPORATIONS I-XX, inclusive
 21 Defendants.
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23 EXHIBIT LIST FOR SECOND AMENDED COMPLAINT
 24 (DOCUMENTS INCORPORATED BY REFERENCE THEREIN)

25 EXHIBIT 1: Grant, Bargain and Sale Deed in the name of Michael E. Harkey, a single man,
 26 dated January 7, 2006
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 28

1 EXHIBIT 2: Prospectus Supplement dated October 1, 2007 for the CSMC Mortgage-Backed
2 Trust 2007-6

3 EXHIBIT 3: MERSCORP Holdings, Inc. List of “Members” copied and pasted from
4 <https://www.mersonline.org/mers/mbrsearch/validatebrsearch.jsp>
5 most recently retrieved on December 23, 2014

6 EXHIBIT 4: SEC Filing Record of Documents filed for the CSMC Mortgage-Backed Trust
7 2007-6 most recently retrieved on January 15, 2015 at
8 [http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0001412949&owner=exclu](http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0001412949&owner=exclude&count=40&hidefilings=0)
9 [de&count=40&hidefilings=0](http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0001412949&owner=exclude&count=40&hidefilings=0)

10 EXHIBIT 5: Registration of Service Mark of MERS® filed with the US Trademark and Patent
11 Office by the original Mortgage Electronic Registration Systems, Inc., now known
12 as MERSCORP Holdings, Inc. (MERSCORP) dated January 29, 1997

13 EXHIBIT 6: MERSCORP admissions re: functions of MERSCORP and Mortgage Electronic
14 Registration Systems, Inc. published by MERSCORP, most recently retrieved
15 on January 15, 2015 at <https://www.mersinc.org/about-us/faq>

16 EXHIBIT 7: April 7, 2010 Deposition of William C. Hultman, former Secretary of MERSCORP
17 Holdings, Inc.

18 EXHIBIT 8: MERS® System entity creation flow chart

19 EXHIBIT 9: MERSCORP, Inc.’s (now MERSCORP Holdings, Inc.’s) change of the MERS®
20 service mark to the name MERSCORP because MERSCORP was the original
21 registration was in the name of the original Mortgage Electronic Registration
22 Systems, Inc. which became MERSCORP, Inc. and then became MERSCORP
23 Holdings, Inc.

24 EXHIBIT 10: HARKEY Deed of Trust granted to New Century Mortgage Corporation
25 purportedly nominating Mortgage Electronic Registration Systems, Inc. as
26 beneficiary on February 6, 2007

27 EXHIBIT 11: Disclosure Statement About MERS provided to Plaintiff by closing agent Nancy
28 Brody of Old Republic Title Company of Nevada

EXHIBIT 12: New Century Mortgage Corporation (NCMC) April 10, 2006 application to
become a “member” of MERSCORP, Inc. submitted in NCMC’s Chapter 11
Bankruptcy in New Century TRS Holdings, Inc. in the District of Delaware, Case
No. 07-10416 (consolidated) as Doc. 5050-2 on February 26, 2008

EXHIBIT 13: NCMC’s MERSCORP Member Agreement entitled “MERS Terms and
Conditions” submitted in NCMC’s Chapter 11 Bankruptcy in New Century TRS
Holdings, Inc. in the District of Delaware, Case No. 07-10416 (consolidated) as
Doc. 5050-2 on February 26, 2008

EXHIBIT 14: The Notice of Notice of Breach and Default and Election to Cause Sale of Real Property Under Deed of Trust (Notice of Default or NOD) signed by JESSE BEWLEY in the purported capacity of “Quality Loan Service Corp., as Agent for Beneficiary by FIS Default Solutions, as Agent” and notarized by JOSEPH NOEL

EXHIBIT 15: Substitution of Trustee signed by CHRISTINA ALLEN in the capacity of “U.S. Bank National Association, as trustee, on behalf of the holders of the CSMC Mortgage-Backed Pass-Through Certificates, Series 2007-6 by Select Portfolio Servicing, Inc., its Attorney in Fact,” and notarized by SHOUA MOUA

EXHIBIT 16: Corporate Assignment of Deed of signed BILL KOCH as “Assistant Secretary of ‘MERS’ on July 28, 2008 and notarized by KIMBERLY CLARK

EXHIBIT 17: Trustee’s Deed Upon Sale signed by VANESSA GONZALES and notarized by Michelle Nyugen

EXHIBIT 18: New Century Mortgage Corporation’s Rejection Executory Contract with MERSCORP and Mortgage Electronic Registration Systems, Inc. in *In re New Century TR Holdings, Inc.* before the United States Bankruptcy Court for the District of Delaware in Case No. 07-10416 on March 19, 2008

EXHIBIT 19: Notice of Bankruptcy Filing *In re Michael Harkey*, Western District of Washington Bankruptcy Case No. 09-10180-TTG

EXHIBIT 20: Wrongful Detainer Complaint of COOPER CASTLE, LLP verified by Caleb Langsdale (Attached Exhibit 1 is Exhibit 17 in this action)

EXHIBIT 21: Writ of Restitution obtained by COOPER CASTLE attorney, Stephanie Herdman

EXHIBIT 22: Grant, Bargain and Sale Deed in favor of the EARL AND EVE BEUTLER FAMILY TRUST and BRYCE D. BEUTLER, as tenants in common for 2220 Village Walk Drive, Unit 3315, Henderson, Nevada 89052 purportedly granted by “U.S. Bank, National Association, as Trustee on behalf of the holders of the CSMC Mortgage-Backed Pass-Through Certificates, Series 2007-6,” signed by PATRICK PITTMAN and pre-notarized by JULIE METTERS

EXHIBIT 23: Consent Order from between LPS, DOCX and (nonexistent) LPS Default Solutions, Inc. and the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of Currency and the Office of Thrift Supervision dated April 13, 2011

EXHIBIT 24: Consent Judgment against LPS, DOCX and (nonexistent) LPS Default Solutions, Inc. with the Attorneys General of 45 States and the District of Columbia dated January 31, 2013 filed in the Connecticut Superior Court Judicial District of Hartford

EXHIBIT 25: MERSCORP’s 2006 Membership Rules

EXHIBIT 26: MERSCORP on-line application for members to appoint their employees and third party agents as Signing Officers formerly called Certifying Officers for Mortgage Electronic Registration Systems, Inc.

1 EXHIBIT 27: Free Writing Prospectus of CSMC Mortgage-Backed Trust 2007-6, dated
2 September 28, 2007, filed with the SEC

3 EXHIBIT 28: Pooling and Servicing Agreement for the CSMC Mortgage-Backed
4 Trust 2007-6, dated September 1, 2007 as Exhibit to Form 10 Filing with
the SEC on October 15, 2007

5 EXHIBIT 28A: Exhibits to Pooling and Servicing Agreement for the CSMC Mortgage-Backed
6 Trust 2007-6, dated September 1, 2007

7 EXHIBIT 28B: Exhibits to Pooling and Servicing Agreement for the CSMC Mortgage-Backed
8 Trust 2007-6, dated September 1, 2007

9 EXHIBIT 29: Form 15-15D filed with the SEC on January 15, 2008 Terminating Reports for the
10 CSMC Mortgage-Backed Trust 2007-6

11 EXHIBIT 30: Plea Agreement in *United States v. Lorraine Brown*, former CEO of DOCX, on
12 November 20, 2012 in the Middle District of Florida, Case No. 3:12-cr-198-J-25
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